

apprehend those who break into the country.

Through a combination of these efforts, we can get to the point where we go from an open border to a border that people understand to be closed, and, as a result, we could see a reduction in the number of people who attempt to come into our country illegally.

I am pleased that a good part of the State and local law enforcement provisions I have provided for will be included in the amendment. I am pleased that a good part of the National Guard provisions I have offered, including continuing Operation Jump Start, will be included, and the criminal alien provisions dealing with removing those aliens who have been convicted of crimes are deported.

I am pleased that we are moving towards ensuring that illegal entrants will be prosecuted when they come into the country illegally. This can be done by expanding the Del Rio, TX, zero-tolerance policy to other areas of our border so that illegal aliens who come across the border are not just met and greeted, given free meals, and taken back home, but actually are convicted of the crime that they committed when they came across the border illegally. We have seen good results from that program. And there are some other provisions that are important.

I have filed three amendments dealing with the fence. The first deals with a GAO study of the cost of the fencing. We need to know how much money has been spent thus far—there is a lot of confusion out there—how much fencing is now in place after all the money we have spent, how much it is costing and will cost the American taxpayers in the future, and whether there are better techniques and procedures by which we can build more fencing for less cost faster without significantly sacrificing quality. That is what that study would include. The Government Accountability Office regularly evaluates those kinds of issues, and I believe they will give us a valuable report that will help us in the future.

A second amendment calls for full funding of the fence.

The Secure Fence Act of 2006 that I offered, which was signed into law, requires 700 miles of fencing. This amendment which I offered would fully fund the 700 linear miles of southern border fencing required by providing \$1.548 billion to be used for the construction of topographical mile 371 through 700. That is what the law requires.

The Congressional Research Service and the Department of Homeland Security have told us that 700 linear miles in the act will actually require more miles topographically; so the 700 linear miles becomes close to 854 topographical miles. So my amendment will fund the remaining 484 topographical miles of fencing not currently funded for construction by December 31, 2009.

I have drafted this amendment in two ways. One is to be paid for with an

across-the-board cut, and the other is designated as emergency spending.

If we are able to adopt the amendment offered earlier today by Senator GRAHAM and others, perhaps that will go a long way to solving the problems I have raised, but, in fact, we could go further and should go further.

My next set of amendments addresses State and local law enforcement's ability to assist Federal law enforcement. My amendment allows for some of the grant moneys appropriated by the bill to go for State and local training exercises, technical assistance, and other programs under the law. This would be a pot of up to \$294 million to be used to reimburse State and local expenses related to the implementation of the INA section 287(G) agreements.

Under the Immigration and Nationality Act, State and local governments can sign memorandums of understanding—they are referred to as MOUs in the Government. When two foreign nations do it, they call them treaties. It is about as complex. MOUs are important—with the Department of Homeland Security to have their law enforcement officers trained to work with DHS and to enforce immigration law. That is how State and local people work together. My amendment encourages State and local governments to seek out these agreements and participate in them. The Federal Government needs to welcome State and local law enforcement's assistance at every opportunity, not discourage it.

Alabama was the second State, I am pleased to say, in the Nation to sign such an agreement. We have trained 3 classes of approximately 20 State troopers each for a total of 60 State troopers who are now "cross-designated" to work with the immigration agency, ICE. Each class cost the State of Alabama about \$40,000. The State of Alabama had to pay to train their officers in this fashion so they could participate with the Federal Government. They have spent about \$120,000 to date to help the Federal Government enforce Federal immigration laws. I think we can do better. We should encourage State law enforcement officers, and we should help fund this partnership program. I have no doubt in my mind that is the right way.

Then I have an amendment that affirms State and local authority and expands of the immigration violators files in the National Crime Information Center, that is not in the Gregg amendment. My amendment would reaffirm the inherent authority of State and local law enforcement to assist the Federal Government in the enforcement of immigration laws.

Confusion among the circuit courts, particularly dicta in a Ninth Circuit decision that appears to be somewhat contradictory to the Fifth and Tenth Circuits, is involved. That has led to a Department of Justice Office of Legal Counsel opinion that questioned some powers of State and local law enforcement. And then the Department of Jus-

tice withdrew that opinion. So there is uncertainty—the Presiding Officer knows how uncertain it can get involving the prosecution of cases in multiple jurisdictions—about what the power of local law enforcement is to participate in helping to enforce immigration laws.

The issue is very real. Just today in the Washington Times, there is an article about it. The article is entitled "Virginia eyes plan to deport illegals. Panel suggests a statewide policy." It is being discussed all over the country. They say in that article:

Other areas, such as the role of local and State police officers in enforcing immigration law, are more ambiguous. It is not clear what the State's role is in enforcing immigration law, Mr. Cleator said.

He is senior staff lawyer for the Virginia State Crime Commission. He said it is not clear what the State role is, and there is some ambiguity, less than most people understand, but there is a perception of ambiguity, and there is some ambiguity. That is why my amendment is needed and important.

My amendment will place additional information in the National Crime Information Center's immigration violators file so that critical information on final orders of removal, revocation of visas, and expired voluntary departure agreements can be readily available to State and local law enforcement officers. They need that information so they can make the right decisions when they apprehend somebody going about their normal business on matters such as speeding and the like.

The National Crime Information Center is the bread-and-butter database of local law enforcement, and they need this information properly inputted into that computer center because the State law officers will be the ones routinely coming into contact with unlawful and deported aliens during the course of their normal duties, such as a DUI charge. They want to know something about them, and the information is not being readily placed in that computer.

Everybody knows that virtually every law enforcement officer in America who stops somebody for an offense—such as DUI, theft, burglary, robbery—runs the suspect's name in the National Crime Information Center, and this is done to determine whether there are pending charges against the suspect, whether the suspect had been convicted of other crimes or if other charges will require that the suspect be held in addition to the charge for the original stop. This is done every day through tens of thousands of inquiries to NCIC. I have discovered that they are not putting a sufficient amount of the immigration violation information in NCIC. We have to do that if we want that a lawful system of immigration to work. If someone doesn't want lawful immigration to work then they will not put that immigration violators' information in NCIC.